



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case: 1099/1/2/08

B E T W E E N:

NATIONAL GRID PLC

Appellant

-v-

GAS AND ELECTRICITY MARKET AUTHORITY

Respondent

supported by

CAPITAL METERS LIMITED

SIEMENS PLC

METER FIT (NORTH WEST) LIMITED

METER FIT (NORTH EAST) LIMITED

Interveners

ORDER

UPON reading the Decision of the Gas and Electricity Markets Authority under the Competition Act 1998 entitled “Investigation into National Grid (formerly known as Transco) (Case CA98/STG/06)” dated 21 February 2008

AND UPON reading the Notice of Appeal lodged by the Appellant on 21 April 2008 under rule 8 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003, as amended) (“the Tribunal Rules”)

AND UPON considering the requests for permission to intervene filed on behalf of Capital Meters Limited (“CML”), Siemens plc (“Siemens”) and Meter Fit (North West) Limited and Meter Fit (North East) Limited (together, “Meter Fit”) on 8 May, 20 May and 20 May 2008, respectively

AND UPON reading the submissions of the parties, of the proposed interveners and of other interested parties including correspondence from British Gas filed in advance of the case management conference

AND UPON hearing the legal representatives of the parties and the proposed interveners at a case management conference on 23 May 2008

AND UPON the Tribunal immediately following the case management conference on 23 May 2008 making an order establishing an initial limited confidentiality ring

AND UPON each of the persons named in paragraph 7 below having given a written undertaking to the Tribunal in terms of Part B of the Schedule to the Order establishing an initial limited confidentiality ring

IT IS ORDERED THAT:

1. Under rule 18 of the Tribunal Rules, the proceedings be treated as proceedings in England and Wales.
2. CML, Siemens and Meter Fit be granted permission to intervene in these proceedings, on condition that the interveners liaise with one another and with the Respondent so as to ensure that there is no unnecessary duplication as between their written or oral submissions.
3. If it has not already done so, the Appellant serve a non-confidential version of the full Notice of Appeal (including annexes) on each of the interveners forthwith. The Tribunal will inform the Appellant at a future date whether it requires additional copies of the non-confidential version of the Notice of Appeal to be filed with it.
4. The Appellant be granted permission to adduce the second witness statement of Mr David James signed and dated 16 May 2008 and filed with the Tribunal on 21 May 2008.
5. The Appellant be granted permission to amend its notice of appeal so as to make the corrections identified in the updated notice of appeal filed with the Tribunal on 21 May 2008.
6. The Appellant's request that the Tribunal issue a witness summons to each of Mr David James and Mr Neil Avery be granted. The said summonses will provide for the attendance of the witnesses in question throughout the anticipated dates of the hearing (i.e. from 15 January 2009 for two weeks). In due course, the Appellant shall in consultation with the other parties and the Tribunal identify the specific dates when the attendance of those witnesses will be required and shall keep the witnesses so informed.
7. The existing initial limited confidentiality ring be enlarged with immediate effect to include Mrs Janet Bidwell (an in-house legal adviser of the Appellant), Mr Meredith Pickford (of Monckton Chambers) and Messrs Klein, Lavicka and Wilse-Samson (all external economic advisers).

8. The parties formulate and agree as between themselves and, so far as applicable, CML, Siemens and Meter Fit, arrangements for the disclosure of confidential information and documents relevant to these proceedings and submit the arrangements to the Tribunal in the form of an agreed draft order as soon as possible, and in any event no later than 5.00pm on 6 June 2008.
9. In relation to the proceedings before the Tribunal:
 - a. The time for filing and service of the defence be extended to 5.00pm on 10 June 2008
 - b. The Interveners file their statements of intervention by 5.00pm on 27 June 2008
 - c. The parties jointly prepare (i) a schedule of issues, (ii) an agreed chronology of events and (iii) a dramatis personæ, to be filed by 5.00pm on 4 July 2008
 - d. The Appellant file any reply including any evidence in reply by 5.00pm on 29 July 2008
 - e. The Appellant file its skeleton argument by 5.00pm on 19 September 2008
 - f. The Respondent file its skeleton argument by 5.00pm on 10 October 2008
 - g. The Interveners file their skeleton arguments by 5.00pm on 17 October 2008
 - h. The parties prepare an agreed bundle of documents to serve as the core bundle for the hearing and a joint bundle of authorities to be referred to at the hearing; and the parties file six copies of each of the said bundles by 5.00pm on 7 November 2008
 - i. A hearing be listed for 15 January 2009, with a time estimate of two weeks.
10. Costs be reserved.
11. There be liberty to apply.

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 23 May 2008
Drawn: 3 June 2008